

IN THE DRAWING(S):

The attached 3 Replacement Sheets 1 of 4, 2 of 4, and 3 of 4 of drawing(s) includes changes to Figures 1-3. These sheets replace the original sheets 1 of 4, 2 of 4, and 3 of 4 showing Figures 1-3. FIGS. 1-3 have been amended to add the reference number 82, which refers to a cover structure 82, as described in paragraph [0027] of the application. No new matter is added by this amendment.

Attachment: Replacement Sheets 1 of 4, 2 of 4, and 3 of 4.

REMARKS

Claims 1-26 were pending. By this Amendment, claims 1, 3, 13, 14, 20, 21, and 22 are amended, claim 12 is cancelled, new claims 27-39 are added, and FIGS. 1-3 are amended. Reconsideration and allowance of pending claims 1-11 and 13-39 are respectfully requested in view of the above amendments and following remarks.

The drawings were objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 82. FIGS. 1-3 have been amended to add the reference number “82,” which refers to a cover structure 82, as described in paragraph [0027] of the application. No new matter is added by this amendment. Applicants therefore request the withdrawal of this drawing objection.

The drawings were objected to under 37 C.F.R. §1.83(a) on the grounds that the claim 13 recitation, “the cover ... rigidly secured ... to each of said castings,” must be shown in the figures or cancelled from the claims. Applicants have amended claim 13 so as not to recite “to each of said castings.” Applicants submit that the subject matter in amended claim 13 is shown in the figures, and therefore respectfully request the withdrawal of this objection.

Claims 3 and 14-26 were objected to because of various perceived informalities. Applicants have made the requested amendments to correct such typographical and/or stylistic concerns, and therefore respectfully request the withdrawal of this objection.

Claim 12 was objected to under 37 C.F.R. §1.75(c), as being in improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have cancelled claim 12, and therefore request the withdrawal of this objection.

Claim 3 was rejected under 35 U.S.C. §112, second paragraph, as indefinite on the ground that “said metallic material” lacks proper antecedent basis. Applicants have amended claim 3 to recite that “said center structure comprises a metallic material.” Applicants submit that this amendment provides appropriate antecedent basis. Applicants therefore respectfully request the withdrawal of this indefiniteness rejection.

Claims 14-20, 25, and 26 were rejected under 35 U.S.C. §112, second paragraph, as indefinite on the grounds that the recitation “by a method other than casting” in claims 14 and 20 is “unclear because the claims are claiming what the invention is not, rather than what the

invention is.” 4/4/08 Office Action, p. 4. Applicants respectfully traverse this rejection because, as the MPEP explains, there is no *per se* prohibition against negative claim limitations:

[T]here is nothing inherently ambiguous or uncertain about a negative limitation. So long as the boundaries of the patent protection sought are set for the definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph.

MPEP 2173.05(i). The Office Action provides no basis for asserting that the boundaries of the recitation “by a method other than casting” are at all indefinite. Quite to the contrary, Applicants submit that one of ordinary skill in the art can easily determine whether a structure is being “form[ed] … by a method other than casting,” as recited in claims 14 and 20. Applicants therefore respectfully request the withdrawal of this indefiniteness rejection.

Claims 1-9, 11, 12, 14-20, 22, and 24-26 were rejected under 35 U.S.C. §103(a) as obvious over Viduya et al. (U.S. Patent No. 6,408,974). Applicants respectfully traverse this rejection.

Claims 1 and 11 each recite, among other things, that “each of said first and second castings ha[s] a respective integral attachment structure for attaching a respective motor vehicle element associated with a respective wheel of a motor vehicle.” Claims 14 and 20 each recite, among other things, that “each cast structure ha[s] a respective integral attachment structure for attaching a respective motor vehicle element associated with a respective wheel of a motor vehicle.” In contrast, Viduya’s “spacers 32” (identified by the Office Action as the recited castings/cast structures) do not have “a respective integral attachment structure for attaching a respective motor vehicle element associated with a respective wheel of a motor vehicle,” as recited in independent claims 1, 11, 14, and 20.

Moreover, it would not have been obvious to add such an integral attachment structure to Viduya’s spacers 32 because the location of Viduya’s spacers at a laterally-inward, semi-enclosed position relative to the vehicle’s frame 12, makes the spacers 32 poorly positioned or suited to include such an “integral attachment structure for attaching a respective motor vehicle element associated with a respective wheel of a motor vehicle,” as recited in independent claims 1, 11, 14, and 20. *See* Viduya, FIGS. 1-2. Neither of the other cited references (i.e., Dostert et al. (U.S. Patent No. 5,997,038) and Huang et al. (U.S. Patent No. 6,783,157)) cure this deficiency, at least because it would not have been obvious to add Dostert’s or Huang’s wheel related structures to Viduya’s engine related spacers 32. This is especially true in view of the

above-discussed fact that Viduya's spacers 32 are poorly positioned and suited for inclusion of an "integral attachment structure for attaching a respective motor vehicle element associated with a respective wheel of a motor vehicle," as recited in independent claims 1, 11, 14, and 20.

Applicants therefore respectfully request the withdrawal of the obviousness rejection of independent claims 1, 11, 14, and 20, as well as their respective dependent claims, which are allowable at least because they depend from allowable independent claims.

The new claims further distinguish one or more embodiments of the present invention from Viduya. For example, claims 27, 31, 34, and 37 each recite, among other things, "a central opening [in the central structure] to accommodate a portion of a vehicle power train extending through the central opening into a hollow interior of the center structure." Claims 28, 32, 35, and 38 each recite, among other things, that "each said integral attachment structure comprises an integral attachment structure for attaching a respective wheel control arm to the cross member." Claim 29 recites, among other things, "first and second vehicle wheel control arms, each control arm being attached to a respective one of the integral attachment structures." Claims 30, 33, 36, and 39 each recite, among other things, that "each said integral attachment structure comprises an integral attachment structure for attaching a wheel suspension assembly to the cross member." Viduya does not disclose or otherwise render obvious such combinations of recitations. Moreover, Dostert and Huang do not cure these deficiencies. Applicants therefore request allowance of these dependent claims for these additional reasons.

Applicants also traverse the Office Action's assertion that the recitation "non-cast" "has not been given patentable weight" because "the method of forming the device is not germane to the issue of patentability of the device itself." 4/4/08 Office Action, p. 6. To the contrary, "[a] product-by-process claim, which is a product claim that defines the claimed product in terms of the process by which it is made, is proper." MPEP § 2173.05(p). More specifically, "[t]he structure implied by the process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially ... where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product." MPEP § 2113 (underlining added). Here, "cast" and "non-cast" products have distinctively different structural characteristics, which are readily identified by those of ordinary skill in the art through examination/analysis of the product itself. Consequently, the recitation "non-cast"

must “be considered when assessing the patentability of product-by-process claims over the prior art.” *Id.*

Applicant similarly specifically traverses the Office Action’s failure to give the recitation “castings” patentable weight for the same reasons as discussed above with respect to the “non-cast” recitation.

Claims 10 and 13 were rejected under 35 U.S.C. §103(a) as obvious over Viduya in view of Dostert (U.S. Patent No. 5,997,038). Applicants respectfully traverse this rejection at least because these claims depend from independent claims that are allowable over Viduya in view of Dostert, as explained above. Moreover, these claims are non-obvious for an additional reason. Specifically, there is no motivation, suggestion, or other reason that would have made the proposed combination obvious. The Office Action asserts that it would have been obvious to add Dostert’s cover 170 to Viduya’s center structure “to close the U-shaped cross-section of the center structure” of Viduya. 4/4/08 Office Action, p. 11. While adding a cover would close the center structure in Viduya, doing so was non-obvious. In Dostert, adding the cover 170 beneficially encloses and protects a rack and pinion steering assembly 140 disposed within Dostert’s cradle assembly 20. *See* Dostert, col., 6, lines 19-20, and FIG. 4. Because Viduya’s structure 16 does not house such a steering assembly, there was no obvious reason to add such an apparently superfluous cover to Viduya’s structure 16. Applicants therefore respectfully request the withdrawal of this obviousness rejection for this additional reason.

Claims 21 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Viduya in view of Huang (U.S. Patent No. 6,783,157). Applicants respectfully traverse this rejection at least because these claims depend from independent claims that are allowable over Viduya in view of Huang, as explained above.

All rejections and objections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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